

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.11576 of 2008

Order:

This Writ Petition is filed to declare the impugned Memo No.4763/PFS.F8(A1)/07/1, dated 04.02.2008, issued by the Finance and Planning (W & P) Department, Government of Andhra Pradesh, as illegal, arbitrary and violative of Sections 4, 5 and 10 of the Building and other Construction Worker's Welfare Cess Act, 1996 and consequently direct the respondents not to recover the Cess from the bills of the petitioner.

When the matter is taken up for hearing today, both the learned counsel for the petitioner and learned Government Pleaders submitted that the subject matter of this Writ Petition is squarely covered by the decision of this Court in WP No.15913 of 2009 and batch, dated 12.10.2018, wherein this Court by following the judgment of the Hon'ble Supreme Court reported in Lanco Anpara Power Limited v. State of Uttar Pradesh¹, dismissed the writ petitions by observing as follows.

"It is submitted by the learned counsel for the petitioners as well as the learned Government Pleaders appearing for the respondents that the issue involved in these Writ Petitions pertains to 1% labour cess required to be paid by the builders and construction companies in terms of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and it is no longer *res integra* in view of the judgment of the Apex Court in Lanco Anpara Power Limited v. State of Uttar Pradesh and others.

In the light of the above, all these Writ Petitions are dismissed."

¹ 2016(10) SCC 329

Following the same, this Writ Petition is dismissed on the same and similar terms. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

KONGARA VIJAYA LAKSHMI, J.

Date: 14.11.2018
Nsr



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